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10/719,475

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Nicholas S. Huslak

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AT&T Legal Department - CC

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EXAMINER

BLACK, LINH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,475	Applicant(s) HUSLAK ET AL.	
	Examiner LINH BLACK	Art Unit 2159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11,13-16 and 18-21, 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11,13-16 and 18-21, 23-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the Applicants' Amendment dated 6/30/09. Claims 1, 3-6, 8-11, 13-16, 18-21, 23-29 are pending in the application. Claims 1, 11, and 21 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 8-11, 13-16, 18-21, 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al. (US 2003/0093790).

As per claim 1, Logan et al. teach

gathering a list of available programming titles from a server; storing the list of available programming titles in a database – pars. 26 (attribute information can include the title of the segment, the name of the performing artist, albums that have a recording of this segment), 93, 260, 264-265, 280.

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gathering program recommendation guides from non-customer third parties and storing the program recommendation guides in a recommendation guide database, the program recommendation guides comprising lists of programs recommended by the non-customer third parties – pars. 102 (a fan club for a particular actor might create a Web Site devoted to that actor and share metadata with other viewers), 227 -228(recommendations, ratings, descriptive EPG data, and the like from both professional reviewers and from other viewers may be returned to the user as an aid to selecting programming content of interest from the available recorded materials. Professional reviewers can be equivalent to non-customer third parties).

presenting a user interface to a the customer entity along with the program recommendation guides – pars. 140, 282, 312.

receiving from the customer entity at least one selection from the program recommendation guides and storing the at least one selection in a customer preference database; receiving a request from said customer entity for an on-screen program listing – pars. 88, 117-118, 272, 374, 415.

processing the request by comparing a list of programs recommended from the at least one program recommendation guide selection with the list of available programming titles and modifying an available on-screen program listing of the list of available programming titles according to the list of recommended programming titles of said at least one program recommendation guide selection – pars. 22 (a user may specify that she likes Frank Sinatra, in which case she is

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provided with identification signals extracted from Sinatra's recordings which may be compared with the incoming broadcast programming content to identify the desired Sinatra music which is then saved for playback when desired), 79 (stored segments may be identified by a file name), 129 (a search for "Stardust" might locate metadata describing an audio recording of the song by that name), 142-143 (other huntlists may be created using collaborative filtering techniques. Huntlist may be compared with metadata developed at a remote server to flag desired songs as they arrive from the broadcast source...), 163-164, 272- 274 (compa, 282-283 (users may sort the program listing by artist, program name, date and time of capture....album name or series name), 393-394.

presenting a filtered on-screen program listing to the customer entity resulting from the processing – pars. 463-464, 473.

automatically signaling a personal recording device to record a program on behalf of the customer entity – pars. 225, 393, 415.

the user interface includes an option to enable the customer to globally turn off...presenting otherwise blocked programming titles to the customer when the option is turned off – pars. 287, 399-404 (the family editor have the ability to change the rating of segment or disable the offending attribute. This would be done via a simple thumbs up/down type of one click action on the remote...the use of an edited playlist for providing an expurgated version of a show does not prevent others from watching the show in its entirety. Thus, parents may filter movies for their children, but may watch the same movies in their entirety when

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their children are not present...In another form of “viewing with parents”, the default could be that an adult segment would automatically be skipped unless the system was told otherwise...the adult could read the index information or decide based on other circumstances to override the setting and have the segment play”. Thus, the interface seems to provide an option/feature to enable the customer to allow/override blocked movies or blocked sections to be displayed. Therefore, seems to be equivalent to the global turn off because there is no mentioning/teaching of customer’s preference needs be edited; par. 419 suggests metadata to the content are associated with business rules, digital right management, and payment systems that would allow or disallow the overall accessing of certain programs – par. 419.

As per claim 3, Logan et al. teach

wherein the customer entity is a wireless mobile telephone – pars. 318.

As per claim 4, Logan et al. teach

generating a custom program recommendation guide by the host system using the available programming data and storing said custom program recommendation guide in said database – pars. 95, 105, 128, 264.

As per claim 5, Logan et al. teach

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deleting programs ...; retaining any programs appearing as acceptable programs on the list of programs recommended...; handling programs not otherwise dealt with by the at least one program recommendation guide selection in accordance with instructions provided by the customer entity – pars. 116-117, 140-143, 163-164, 274.

As per claim 6, Logan et al. teach

wherein said third parties include external sources comprising at least one of: a film institute; a magazine; a religious organization; a topical web site; a video store; and a commercial business – pars. 142, 162-164, 394, 464.

As per claim 8, Logan et al. teach

presenting a filtered on-screen program listing in accordance with an access level granted to an account member, said access level extending or limiting access to view program listings – pars. 419, 435-436, 503-504.

As per claim 9, Logan et al. teach

transmitting a program signal to said customer entity in response to a request to view a program, the program signal transmitted in accordance with an access

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level granted to an account member, the access level extending or limiting access to view a program – pars. 47, 435-436.

As per claim 10, Logan et al. teach

automatically signaling a personal recording device to record a program on behalf of the customer entity, the signaling performed in accordance with an access level granted to an account member, the access level extending or limiting access to record a program or view an already recorded program – pars. 419, 503-506.

As per claim 13, Logan et al. teach

evaluating the customer entity's service plan to determine available channel listing and filtering the on-screen program listing by displaying only the available programming data corresponding to the customer entity's available channel listing – pars. 254-255 (fee to view copies, prevent preview segments from being transferred to another user); 419 (business rules, digital right management, and payment systems could be associated via metadata to the content allowing or disallowing functions); 427-428 (payment systems ...allowing users to purchase special rights for a show or parts of a show...buying the rights to copy to a permanent archive or a permanently saved portion of the PVR hard drive...)

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As per claim 28, Logan et al. teach

transmitting a program signal to the customer entity...in accordance with an access level granted to an account member, the access level extending or limiting access to view a program – pars. 29-31, 43, 225.

wherein the account member is a member of a household...based upon rights assigned by a master account holder in the household; determining view and record capabilities of the account member based on the rights - pars. 254-255 (fee to view copies, prevent preview segments from being transferred to another user); 419 (business rules, digital right management, and payment systems could be associated via metadata to the content allowing or disallowing functions); 427-428 (payment systems ...allowing users to purchase special rights for a show or parts of a show...buying the rights to copy to a permanent archive or a permanently saved portion of the PVR hard drive...) So based on rights associating with a member/household, certain viewing or transmitting or accessing are allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US 2003/0093790) in view of Lederer (US 20020023109).

As per claim 3, Logan et al. seems not teach wherein the customer entity is a wireless mobile telephone. Lederer discloses the global preference screen can be modified to allow a user to select a combination of factors - par. 118; various other types of work stations or terminals can be used to interact with system 100...any type of wireless mobile station e.g. having Internet browsing capability...Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Logan's teaching with Lederer's teaching in order to allow users the flexibility of using different resources to access and manage available sources.

Claims 11, 14-16, 18-20, 23-27, 29 claim the same subject matter as of claims 1, 3-6, 8-10, 13, 28 and are rejected based on the same ground of rejection.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-6, 8-11, 13-16, 18-21, 23-29 have been considered but are not persuasive. Logan discloses in par. 26 (attribute information can include the title of the segment, the name of the performing artist, albums that have a recording of this segment), 79 (stored segments may be identified by a file name), 129 (a search for "Stardust" might locate metadata describing an audio recording of the song by that name), 142-143 (other huntlists may be created using collaborative filtering techniques).

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Huntlist may be compared with metadata developed at a remote server to flag desired songs as they arrive from the broadcast source...), 163-164, 274, 282-283 (users may sort the program listing by artist, program name, date and time of capture....album name or series name). Thus, Logan does disclose program listings with titles/names...

Logan also discloses at pars. 399-404 (the family editor have the ability to change the rating of segment or disable the offending attribute. this would be done via a simple thumbs up/down type of one click action on the remote...the use of an edited playlist for providing an expurgated version of a show does not prevent others from watching the show in its entirety. Thus, parents may filter movies for their children, but may watch the same movies in their entirety when their children are not present...In another form of "viewing with parents", the default could be that an adult segment would automatically be skipped unless the system was told otherwise...the adult could read the index information or decide based on other circumstances to override the setting and have the segment play". Thus, the interface seems to provide an option/feature to enable the customer to allow/override blocked movies or blocked sections to be displayed. Therefore, seems to be equivalent to the global turn off because there is no mentioning/teaching of customer's preference needs be edited.

Logan does disclose programs recommended by others – pars. 227-228 as cited in claim 1 above. However, available programs and/or recommended programs based on users groups or community bases (pars. 92, 105), each user

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guide is still be filtered/compared based on user's own preference in order to display the program guide to a user – pars. 163, 272, 295.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUNG Q. PHAM/
Primary Examiner, Art Unit 2159
September 14, 2009

LINH BLACK
Examiner
Art Unit 2159